FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3661 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.M.S. Lagu for petitioners.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. RCS No. 460 of 1985 was dismissed by the learned 4th Jt. Civil Judge, S.D. Kolhapur by judgment and order dated 29/9/1992. Being aggrieved by the said dismissal order, the plaintiffs filed Regular Civil Appeal No. 463 of 1992 before the District Court at Kolhapur. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 9/12/2002.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When

such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)